

EXHIBIT D

Case No. 2:21-cv-00799-RSM

UTHERVERSE GAMING LLC v. EPIC GAMES, INC.

Defendant's Pretrial Exhibit List

Trial Ex. No.	Old Number	Desc.	Date	BegBates	EndBates	UG Objections
A-001	DTX001	StarCraft II Source Code		BLIZ-SRC000061	BLIZ-SRC000079	A, F, H, PK, SC
A-002	DTX002	Email chain from B. Shuster to E. Dexter, Ccing aaron@allbrightdesigns.com re "Re: Agreements", dated November 26, 2018	11/26/2018	BRIANS_035368	BRIANS_035368	A, F, H, NR, 403
A-003	DTX003	U.S. Patent Application No. US 2008/0268961 A1 (Brook)	10/30/2008	EPIC00000001	EPIC00000015	F, H
A-004	DTX004	Chris Greenhalgh et al., Applications of Temporal Links: Recording and Replaying Virtual Environments	2002	EPIC00023072	EPIC00023084	A, F, H, NR, 403, Undated
A-005	DTX005	Chris Greenhalgh et al., Temporal Links: Recording and Replaying Virtual Environments	2000	EPIC00023096	EPIC00023112	A, F, H, NR, 403, Undated
A-006	DTX006	Network Software Architectures for Real-Time Massively-Multiplayer Online Games (McFarlane)	2/2/2005	EPIC00000071	EPIC00000198	A, F, H, NR, 403
A-007	DTX007	U.S. Patent No. 9,364,743 (Miura)	6/14/2016	EPIC00000199	EPIC00000242	F, H
A-008	DTX008	Massive Multiplayer Online Game Architectures (Moraal)		EPIC00000243	EPIC00000276	A, F, H, NR, 403
A-009	DTX009	International Publication No. WO 2008/104782 A2	9/4/2008	EPIC00000307	EPIC00000366	F, H
A-010	DTX010	Developing Your Own Replay System (Wagner)	2/4/2004	EPIC00000367	EPIC00000376	A, F, H, 403, NR, PK
A-011	DTX011	Filion et al., Advances in Real-Tim Rendering in 3D Graphics and Games Course - StarCraft II Effects & Techniques		EPIC00000377	EPIC00000408	A, F, H, 403, NR, PK Undated
A-012	DTX012	New Replay and Resume Features Coming in Heart of the Swarm - StarCraft II - Blizzard News	1/24/2013	EPIC00000555	EPIC00000559	A, F, H, 403, NR, PK
A-013	DTX013	TeamOnline.pdf	1/18/2022	EPIC00000708	EPIC00000730	F, NR
A-014	DTX014	Online Buffet Retrospective.docx	1/13/2022	EPIC00000908	EPIC00000926	A, F, H
A-015	DTX015	Master Copy Doc for Cyclone Jerky.docx	1/26/2022	EPIC00014513	EPIC00014527	A, F, H, NR, 403
A-016	DTX016	Screenshots, videos, data, and related odcumentation of MASSIVE-3		EPIC00017381	EPIC00017381	A, F, H, PK
A-017	DTX017	Screenshots, videos, data, and related odcumentation of MASSIVE-3		EPIC00017382	EPIC00017382	A, F, H, PK
A-018	DTX018	Screenshots, videos, data, and related odcumentation of MASSIVE-3		EPIC00017383	EPIC00017383	A, F, H, PK
A-019	DTX019	NetworkingOverview.pdf (Epic website capture)		EPIC00020264	EPIC00020264	A, F, Q
A-020	DTX020	Animation Sequences.png		EPIC00020272	EPIC00020272	A, F, I
A-021	DTX021	Skeletal Mesh Animation System.png		EPIC00020273	EPIC00020273	A, F, I

A-022	DTX022	Tools and Editors		EPIC00020289	EPIC00020289	A, F, I
A-023	DTX023	Fortnite wins 2018 Gamers' Choice Awards for Fan Favorite Game		EPIC00027417	EPIC00027436	A, F, H, Q
A-024	DTX024	Fortnite wins 2018 Golden Joystick Awards Ultimate Game of the Year		EPIC00027470	EPIC00027480	NR, 403, H, F
A-025	DTX025	Unreal Engine Awards		EPIC00027688	EPIC00027689	NR, 403, H, F
A-026	DTX026	Fortnite wins 2019 BAFTA Game Award for Best Evolving Game		EPIC00027817	EPIC00027821	NR, 403, H, F
A-027	DTX027	Patent File Wrapper, U.S. Patent No. 9,724,605		EPIC00028332	EPIC00028595	NR, 403, H, F
A-028	DTX028	Buffet_Flow_SpecialEventScript_Zoomed.pdf	3/9/2023	Epic-SRC-0000010	Epic-SRC-0000010	NR, I, H, 403, A
A-029	DTX029	Buffet_Flow_SpecialEventScript.pdf	3/9/2023	Epic-SRC-0000011	Epic-SRC-0000011	F
A-030	DTX030	Buffet_Modeled_Space.pdf	3/9/2023	Epic-SRC-0000021	Epic-SRC-0000021	F
A-031	DTX031	Buffet_Modeling_Common_Object.pdf	3/9/2023	Epic-SRC-0000022	Epic-SRC-0000022	F
A-032	DTX032	Buffet_Modeling_Common_Space_Object_Zoomed.pdf	3/9/2023	Epic-SRC-0000023	Epic-SRC-0000023	F
A-033	DTX033	Buffet_Modeling_Common_Space_Object.pdf	3/9/2023	Epic-SRC-0000024	Epic-SRC-0000024	F
A-034	DTX034	Buffet_Record_Retrieve_Exp_File.pdf	3/9/2023	Epic-SRC-0000034	Epic-SRC-0000034	F
A-035	DTX035	Jerky_Modeling_Common-Object.pdf	3/9/2023	Epic-SRC-0000102	Epic-SRC-0000102	F
A-036	DTX036	E-mail chain from Colby Springer to Gary Shuster re Utherverse prosecution questions	9/18/2020	FORT0000092	FORT0000093	F
A-037	DTX037	UDI organization chart		FORT0000097	FORT0000097	F, A, I, H, 403, NR
A-038	DTX038	Utherverse Digital Profit and Loss - Accrual Basis	5/5/2020	FORT0000127	FORT0000128	A, F, H, NR, 403, S, DESC
A-039	DTX039	Utherverse Balance Sheet as of March 31, 2020	5/5/2020	FORT0000129	FORT0000129	F, A, I, H, 403, NR
A-040	DTX040	Utherverse Digital Profit and Loss	5/5/2020	FORT0000132	FORT0000134	F, A, I, H, 403, NR
A-041	DTX041	Utherverse Digital Balance Sheet	5/5/2020	FORT0000135	FORT0000136	F, A, I, H, 403, NR
A-042	DTX042	Email chain from Colby Springer to Peter Stewart re Revised Utherverse PPA	11/4/2020	FORT0002847	FORT0002848	F, A, I, H, 403, NR
A-043	DTX043	Fortress Credit Corp and Utherverse Digital Non-Binder Summary of Indicative Terms	6/17/2020	FORT0003390	FORT0003392	F, H, NR, 403, TPC
A-044	DTX044	Letter from Fortress Credit Corp. to Utherverse re Proposed Transaction	6/30/2020	FORT0003455	FORT0003455	F, H, NR, 403, TPC
A-045	DTX045	Patent Purchase & License Agreement between Apple and Utherverse Digital, Gary and Brian Shuster	12/22/2019	GARYS_006612	GARYS_006641	F, H, NR, 403, TPC
A-046	DTX046	Shuster Patent Portfolio		GARYS_007867	GARYS_007929	F, NR, TPC
A-047	DTX047	Utherverse Screen Capture-Who We Are (Rosenberg Dep. Ex. 7)	3/22/2022	no bates	no bates	PK, A, F, NR
A-048	DTX048	Utherverse Screen Capture-3D Social Center-Register Now (Rosenberg Dep. Ex. 8)		no bates	no bates	PK, A, F, NR

A-049	DTX049	AFFIDAVIT OF RECORDS CUSTODIAN (James Yen) CERTIFYING RECORDS dated 11/16/2022		no bates	no bates	F, NR
A-050	DTX050	Unreal Engine, inclusive of Unreal Engine developer tools that replicate substantial portions of a live development environment on a non-networked review machine, as produced to Utherverse in February 2023. See Dkt. 181 at 3.		no bates	no bates	DESC, NP, F
A-051	DTX051	Current Curriculum Vitae of Benjamin Ellinger		no bates	no bates	BRPL
A-052	DTX052	Current Curriculum Vitae of Lauren Kindler		no bates	no bates	BRPL
A-053	DTX053	Plaintiff's Objections and Responses to Epic Games, Inc.'s Requests for Admission, Set One, dated 4/24/2023		no bates	no bates	NR, BRPL
A-054	DTX054	Plaintiff's First Supplemental Objections and Responses to Epic Games, Inc.'s Requests for Admission, Set Two, dated 5/22/2023		no bates	no bates	NR, BRPL
A-055	DTX055	Plaintiff's Responses and Objections to Epic Games, Inc.'s Third Set of Requests for Admissions, dated 6/9/2023		no bates	no bates	NR, BRPL
A-056	DTX056	Plaintiff's Sixth Set of Supplemental Answers and Objections to Defendant Epic Games, Inc.'s First Set of Interrogatories, dated 5/2/2023		no bates	no bates	NR, BRPL
A-057	DTX057	Plaintiff's Answers to Defendant's Second Set of Interrogatories, dated 12/23/2021		no bates	no bates	NR, BRPL
A-058	DTX058	Plaintiff's First Supplemental Answers and Objections to Defendant's Third Set of Interrogatories, dated 12/9/2022		no bates	no bates	NR, BRPL
A-059	DTX059	Plaintiff's Second Supplemental Answers and Objections to Defendant's Fourth Set of Interrogatories, dated 3/31/2023		no bates	no bates	NR, BRPL
A-060	DTX060	Plaintiff's First Supplemental Answers and Objections to Defendant's Fifth Set of Interrogatories, dated 5/23/2023		no bates	no bates	NR, BRPL
A-061	DTX061	Plaintiff's Answers and Objections to Defendant's Sixth Set of Interrogatories, dated 6/9/2023		no bates	no bates	NR, BRPL
A-062	DTX062	Plaintiff's Supplemental Answers and Objections to Defendant's First, Fourth, and Fifth Set of Interrogatories, dated 6/9/2023		no bates	no bates	NR, BRPL
A-063	DTX063	Time-Traveling In a Virtual World		UDi_000997	UDi_000999	F, TPC, NR
A-064	DTX064	Utherverse Digital Inc. Financial Statements - 2020	12/31/2020	UDi_001359	UDi_001362	NR, 403
A-065	DTX065	Utherverse Digital Statement of Income and Retained Earnings-Tax Basis Eight Months Ended August 31, 2017	8/31/2017	Udi_001421	Udi_001421	NR, 403
A-066	DTX066	Utherverse Profit & Loss - Jan. thru Dec. 2019	5/5/2020	Udi_005719	Udi_005720	NR, 403

A-067	DTX067	Utherverse Digital Inc. Financial Statements - 2016	12/31/2016	UDi_005806	UDi_005809	NR, 403
A-068	DTX068	Utherverse Digital Inc. Financial Statements - 2018	12/31/2018	UDi_005810	UDi_005813	NR, 403
A-069	DTX069	Confidentiality Agreement between Fortress Investment Group and Utherverse Digital	4/5/2020	Udi_006951	Udi_006952	NR, 403
A-070	DTX070	Utherverse Gaming LLC Profit and Loss statement 1/1/2021-9/30/2021	3/30/2016	UG00002447	UG00002447	
A-071	DTX071	Video of Travis Scott concert	12/1/2021	UG00003322	UG00003322	A, C, F
A-072	DTX072	Video of Marshmello concert		UG00003333	UG00003333	A, C, F
A-073	DTX073	Utherverse Gaming LLC Accounting records	21-Oct	UG00006853	UG00006853	
A-074	DTX074	Third Amended and Restated Limited Liability Company Agreement of Utherverse LLC	3/9/2021	UG00006858	UG00006866	NR, 403
A-075	DTX075	Email chain from Patrick Diaz to David Cohen re: D&O Document dated April 5, 2021	4/5/2021	UG00007014	UG00007021	NR, 403
A-076	DTX076	Executive Employment Agreement		UG00009624	UG00009638	NR, 403
A-077	DTX077	ephre.com-A complete hair fur and feather solution is now on Maya		UG00052848	UG00052850	A, C, F
A-078	DTX078	https://ephre.com/careers.html		UG00052853	UG00052854	A, C, F
A-079	DTX079	ephre.com-homepage		UG00052855	UG00052858	A, C, F
A-080	DTX080	epicgames.com-Ariana Grande Steps into the Metaverse as the Headliner for Fortnites Rift Tour		UG00052859	UG00052861	A, C, F
A-081	DTX081	U.S. Patent No. 6,720,962		UG00053152	UG00053164	NR, 403
A-082	DTX082	Any exhibit included in Utherverse's Exhibit List (Exhibit C to the pretrial order)		n/a	n/a	DESC
A-083	DTX083	Any exhibit included in the Parties' Joint Exhibit List (Exhibit G to the pretrial order)		n/a	n/a	DESC
A-084	DTX084	Intentionally omitted		EPIC-SRC3		DUPLICATE OF PTX113, LD
A-085	DTX085	US Patent 8,276,017 [8,276,071]	9/25/2012	UG00000001	UG00000019	NR, LD
A-086	DTX086	UDI Financial Info December 31, 2021	12/31/2021	BRIANS_003932	BRIANS_003936	F, TPC, NR, LD
A-087	DTX087	Email chain from B. Shuster to D. Becker, Ccing G. Shuster re "Re: Acquisition Opportunity: VR/VRW Company & Software Platform", dated December 21, 2019	12/21/2019	BRIANS_036665	BRIANS_036719	F, TPC, NR, LD
A-088	DTX088	Email from B. Shuster to W. Chan re Utherverse Digital, Inc. Fortress		FORT0000094	FORT0000096	F, TPC, NR, LD
A-089	DTX089	VWW Offering Memorandum		FORT0000098	FORT0000113	F, TPC, NR, LD
A-090	DTX090	Apple Agreement		GARYS 006642	GARYS 006671	F, TPC, NR, LD
A-091	DTX091	Utherverse Digital Inc. Financial Statements	12/31/2015	UDi_001417	UDi_001420	F, TPC, NR, LD
A-092	DTX092	Utherverse Digital Inc. Financial Statements	12/31/2019	UDi_005814	UDi_005817	F, TPC, NR, LD

A-093	DTX093	Utherverse Digital Inc. Financial Statements	12/31/2017	UDi_005860	UDi_005863	F, TPC, NR, LD
A-094	DTX094	Intentionally omitted		EPIC00017384	EPIC00017393	DUPLICATE OF PTX407, LD
A-095	DTX095	Intentionally omitted		EPIC00017394	EPIC00017412	DUPLICATE OF PTX408, LD
A-096	DTX096	Epic-Peregrine license		EPIC00017413	EPIC00017422	F, I, H, LD
A-097	DTX097	Email between Elaine Wong and Dean Becker regarding Final selection of 8 families	12/27/2019	BRIANS_036748	BRIANS_036748	F, TPC, NR, LD

Objection Code	Uthervese Exhibit Objection Explanation
A	Lack of Authenticity. The document does not appear regular on its face, and Epic has not established that it is a true and correct copy of the document through proper foundation testimony (Fed. R. Evid. 901 & 902)
C	Cumulative. Uthervese objects to this exhibit on the ground that it is duplicative and/or cumulative of other exhibits
F	Lack of Foundation. Uthervese objects to this exhibit on the ground that the foundation necessary for its admission has not been laid and is not laid in the exhibit itself. (Fed. R. Evid. 602)
H	Hearsay. Uthervese objects to Uthervese introducing this exhibit because it constitutes or contains hearsay and/or hearsay within hearsay as to Uthervese and no exception applies. (Fed. R. Evid. 801 & 802, 805)
I	Incomplete. Uthervese objects to this exhibit because the exhibit, as submitted, does not contain the complete document. (Fed. R. Evid. 106) Uthervese reserves all other objections.
M	Multiple Documents. Uthervese objects to this exhibit because it contains more than one document
MIL	Subject to Motion in <i>Limine</i>
NR	Not Relevant. Uthervese objects to this exhibit because it is not relevant to any issue to be decided in this litigation. (Fed. R. Evid. 401 & 402)
403	FRE 403. Uthervese objects to this exhibit because its probative value is substantially outweighed by a danger of one or more of the following: unfair prejudice, confusing the issues, misleading the jury, undue delay, wasting time, or needlessly presenting cumulative evidence. (Fed. R. Evid. 403)

NP	Not Produced During Discovery. Utherverse objects to this exhibit because it is encompassed by one or more of Utherverse's discovery requests but the document and/or underlying data was not produced during discovery
PK	No Personal Knowledge. Utherverse objects to this exhibit because the author either does not have personal knowledge of the information contained within, or the basis of that knowledge has not been established. (Fed. R. Evid. 602)
Q	Quality. Utherverse objects to this exhibit because the exhibit, as submitted, is illegible or otherwise of low quality. Utherverse reserves all other objections
S	Utherverse objects to this exhibit as an improper Summary (Fed. R. Evid. 1006)
DESC	Description. Utherverse objects to this exhibit because of an error in the description (including bates number and deposition exhibit numbering), and until that error is resolved, is unable to specifically identify the document in question and reserves all right to object on any other grounds once Utherverse fixes the error.
BRPL	Brief, Pleading, Order, Transcript, or Expert Report or Declaration. Utherverse objects to this exhibit because it is a brief, pleading, order, discovery request or expert report or declaration or an exhibit thereto and is not evidence
TPC	Third Party Confidentiality. Utherverse objects to the exhibit because it includes third-party confidential information (including but not limited to personal identifying information).
LD	Not Timely Disclosed. Utherverse Gaming objects to this exhibit because it was not timely disclosed as required by the court's order setting pretrial disclosure deadlines (ECF No. 399)